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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,691	01/13/2000	Nicola John Policicchio	6553D	7347

27752 7590 01/29/2002

THE PROCTER & GAMBLE COMPANY
PATENT DIVISION
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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 01/29/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,691

Applicant(s)

POLICICCHIO ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23,25-27,29,32-34 and 61-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23,25-27,29,32-34 and 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 January 2002 (which requested the entry of the amendment filed 4 September 2001) has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27,29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USP 5,609,255). The patent to Nichols discloses a cleaning implement (10) comprising a handle (12) comprising a support head (22) having a top surface and a bottom surface with an attaching means (26) permanently affixed thereto and a removable cleaning pad (28) having multiple widths in the "z-direction" and wherein the cleaning pad is comprised of an absorbent layer (32,34), scrubbing layer (36) and an impervious attachment layer (38). The manner in which the claim(s) define the cleaning surfaces with regard to their being "distinct" is met by the device of Nichols

Art Unit: 1744

in that it has an infinite number of discrete surfaces (claim 29). The claim(s) do not define the structure thereof and also do not set forth the difference between the surfaces such that they are "discrete" in the first place. The patent to Nichols discloses the invention substantially as claimed with the exception of the hooks being on the lower surface of the head (22). In Nichols, the loop portion is secured to the lower surface of the head (22) and the hook portion is secured to the pad (28) (see column 4, lines 29-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to having located the hooks on the base and the loops on the pad, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. The scrubbing layer (36) is in fluid communication with the absorbent layer (32,34) as in claims 32 and 34 and the absorbent layer (32,34) is positioned between the attachment (38) and scrubbing layers (36) as in claim 33.

4. Claims 21-23,25,26 and 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USP 5,609,255) in view of Newell (USP 4,955,133). The patent to Nichols discloses a cleaning implement (10) comprising a handle (12) and a removable cleaning pad (28) having opposite upper and lower surfaces and multiple widths in the "z-direction" and wherein the cleaning pad is comprised of an absorbent layer (32,34), scrubbing layer (36) and an impervious attachment layer (38). The patent to Nichols discloses the invention substantially as claimed with the exception of the absorbent layer comprising a superabsorbent material. The patent to Newell discloses a cleaning device having similar utility wherein the absorbent elements thereof may be

Art Unit: 1744

comprised of any fibrous materials such as rayon, cotton and polyester (see column 11, lines 24-34) which may further have incorporated therein any suitable type of superabsorbents, hydrogels which are commercially available (see column 12, lines 1-16). It would have been obvious to one of ordinary skill in the art to have modified the absorbent layer of Nichols as such so, if so desired, to produce a single-use mop application. The particular ratios between the fibrous material and the superabsorbent could be matched to the intended use. Again, Newell states that and known superabsorbent can be used. The specification of the present invention discloses what appears to be a similar embodiment. It would not have been unreasonable for one to assume that the material of Newell would have similar properties as that claimed given the fact that the composition is very nearly (if not the same) as one of the embodiments of the present invention. One of ordinary skill would deem it obvious to have modified the relative proportion of the cotton relative to the superabsorbent to arrive at the desired properties. Optimizing a prior art device through routine experimentation is not a patentable step.

Response to Arguments

5. Applicant's arguments filed 4 September 2001 have been fully considered but they are not persuasive. Applicant's comments pertaining to Statler and Brown, in light of the amendment to claim 27, have been deemed persuasive with regard to the "102" rejection previously applied against claim 27. With regard to Nichols, it would be obvious to one of ordinary skill to reverse the location of the hooks and loops. Such a reversal would meet the added subject matter added to claim 27. With regard to the

Art Unit: 1744

other rejection, applicant's attention is directed to paragraph #7 of the final action mailed 30 April 2001 (paper no. 11).

Allowable Subject Matter

6. The following claim drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to applicant for consideration:

Claim 68. (new) An implement for cleaning a surface, the implement comprising:

a. a handle comprising a substantially flat support head having a top surface and a bottom surface, said support head comprising hooks permanently affixed to said bottom surface of said support head; and

b. a removable cleaning pad having a substantially flat upper surface and a lower surface, wherein the cleaning pad has multiple widths in the z-dimension, and wherein the cleaning pad comprises:

i. a scrubbing layer;

ii. an absorbent layer;

iii. an attachment layer at the upper surface of the cleaning pad, said attachment layer comprising a material that is essentially fluid impervious and which includes a surface that is mechanically attachable to the hooks affixed to the bottom surface of the support; and

iv. wherein the lower surface comprises a substantially flat lower cleaning surface generally parallel to the upper surface of the cleaning pad, the lower surface further including a pair of substantially flat side

Art Unit: 1744

cleaning surfaces adjacent opposite sides of the bottom cleaning surface, said side cleaning surfaces being non-parallel to the bottom cleaning surface and extending from the respective side of the bottom cleaning surface to the upper surface of the cleaning pad, ^{said} bottom and pair of side cleaning surfaces defining three discrete cleaning surfaces each of which are adapted to contact the surface being cleaned.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Spisich
Primary Examiner
Art Unit 1744